

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

**UNITED STATES OF AMERICA,**

Case No. **3:17CR059-TMR**

Plaintiff,

v.

)  
)  
)  
) **MOTION FOR PROTECTIVE ORDER**

**MYRON D. BAKER,**

Defendant.

---

Pursuant to Federal Rule of Criminal Procedure 16(d)(1), the United States hereby moves for entry of a Protective Order that would govern the manner in which defendant MYRON D. BAKER and his counsel handle certain materials produced to them by the United States. Prior to the trial, the United States intends to produce, among other things, medical records received from Premier Health as to the victim, (collectively, “the Materials”) related to certain witnesses that will testify in this matter.<sup>1</sup> Based on concerns regarding victim and patient privacy rights under the Health Insurance Portability and Accountability Act of 1996 (“HIPPA”) regulations, 45 C.F.R. 164.512(c)(1), the United States respectfully requests that the defense be ordered as follows:

1. Defense counsel and **MYRON D. BAKER** will not disclose any information contained in the Materials directly or indirectly to any third person except: attorneys and investigators who are directly assisting in **MYRON D. BAKER**’s defense; United States citizens who the defense interviews as potential witnesses; and potential experts (“Authorized Individuals”). Upon disclosing information contained in the Materials to an Authorized

---

<sup>1</sup>When producing these Materials to **MYRON D. BAKER** and his counsel, the United States will clearly mark them as subject to the Protective Order.

Individual(s), defense counsel and **MYRON D. BAKER** must provide that Authorized Individual(s) with a copy of the Court's Protective Order and advise that Authorized Individual(s) that he or she will be subject to the same obligations as imposed upon defense counsel and **MYRON D. BAKER**, by the Protective Order.

2. Defense counsel shall not copy or reproduce the Materials unless copied or reproduced for the express use by an Authorized Individual(s) who is assisting in the defense, and in that event, the copies or reproductions should be treated in the same manner as the original Materials. Defense counsel shall maintain a log of any and all copies or reproductions made of the Materials and to whom they were distributed.

3. Defense counsel may permit his client **MYRON D. BAKER** to review the Materials in a pre-trial detention facility under defense counsel's personal observation and supervision, **MYRON D. BAKER** may not remove from his counsel or keep the Materials, or copies or reproductions of the Materials, regardless of format, including, but not limited, personal notes reflecting content of the Materials.

4. Defense counsel and **MYRON D. BAKER** may only use the Materials solely in the defense of this case and for no other purpose.

5. At the conclusion of this case, defense counsel shall return all of the Materials and copies or reproductions thereof forthwith to the United States Attorney's Office.

6. Defense counsel shall inform his client **MYRON D. BAKER** of these restrictions placed on the Materials, and ensure that he does not disclose or use any information contained in the Materials in violation of the Protective Order. However, nothing contained in the Protective Order will preclude any party from applying to the Court for further relief or for modification of any provision hereof.

WHEREFORE, the United States respectfully requests the entry of a Protective Order containing the terms described above.

Respectfully submitted,

BENJAMIN C. GLASSMAN  
United States Attorney

s/Sheila G. Lafferty  
SHEILA G. LAFFERTY (0042554)  
AMY M. SMITH (0081712)  
Assistant United States Attorneys  
Attorney for Plaintiffs  
200 West Second Street  
Suite 600  
Dayton, Ohio 45402  
(937) 225-2910  
Fax: (937) 225-2564  
Sheila.Lafferty@usdoj.gov  
Amy.Smith2@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion was served this 4<sup>th</sup> day of April, 2019, electronically on: Daniel J. O'Brien, Esq.

s/Sheila G. Lafferty  
SHEILA G. LAFFERTY  
Assistant United States Attorney